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IN THE UNITED STATES DISTRICT COURT  
  
FOR THE DISTRICT OF OREGON  
  
PORTLAND DIVISION

MICHAEL G. SCHWERN,

Plaintiff,

v.

NÓIRÍN PLUNKETT,

Defendant.

Case No. 3:14-CV-00146-PK

**PLAINTIFF'S RESPONSE TO  
DEFENDANT'S MOTION FOR  
EXTENSION OF TIME**

Plaintiff Michael G. Schwern, through counsel, respectfully submits this response to defendant's motion for an extension of time to respond to plaintiff's motion for sanctions against defendant. Enough time has elapsed since the parties' conferral about the concept underlying this motion that clarification is required.

On May 7, 2015, local defense counsel Lake Perrigüey conferred with plaintiff's counsel by telephone. At that time, plaintiff's counsel did state that he would not oppose an extension for defendant to respond to the motion for sanctions until after the Court rules on plaintiff's motion

to lift the stay for the limited purpose of adjudicating the sanctions motion. On May 12, however, the Court issued a scheduling order setting both motions for hearing on June 23 and setting a briefing schedule. In plaintiff's counsel's opinion, the May 12 scheduling order vitiated the parties' May 7 agreement. Defense counsel did not contact plaintiff's counsel in the 10 days since the May 12 scheduling order. Plaintiff's counsel would not have agreed to the instant motion for extension of time in light of that scheduling order. Defense counsel has, however, correctly represented the parties' May 7 agreement, and in a formal sense that agreement was never altered.

Plaintiff defers to the Court as to how to handle the scheduling of these motions, but wanted the Court to be fully informed before deciding.

RESPECTFULLY SUBMITTED May 22, 2015.

/s/ Bear Wilner-Nugent  
Bear Wilner-Nugent, OSB #044549  
Attorney for Plaintiff